

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING  
MONDAY, OCTOBER 27, 1980, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Marilyn Boulton  
Joe Herzenberg  
Jonathan Howes  
Beverly Kawalec  
R. D. Smith  
Joe Straley  
Bill Thorpe  
Jim Wallace

Also present were Town Manager E. Shipman and Town Attorney E. Denny.

Public Hearing on a Request for a Zoning Text Amendment to Allow Reduction in Normal Setback Requirements

The Board of Adjustment had requested the zoning map amendment. They had received a request for a variance for a setback for solar access. The request had been denied because the ordinance did not allow such a variance. The proposed amendment would allow variances up to 65% of the setback with a minimum setback of 8'. There were other restrictions on the variance which Mr. Jennings explained. In the proposed ordinance the setbacks would be reduced so that the variances would not be needed.

Mr. Shipman stated the Planning Board would have a meeting immediately after the public hearing to discuss this matter and make their recommendation which would be given to the Council later in the meeting.

Mr. Dan Murphy, the applicant before the Board of Adjustment, asked that the proposed ordinance also provide for variances for solar access. His home could not be built under the new ordinance even with reduced setbacks.

Mr. John Bernard, Co-chairman of the Orange County Energy Commission quoted a portion of the program adopted by the County Commissioners. Energy efficient sitings had been included as part of the program. He encouraged the Council to include in the zoning ordinance the solar access variance.

Mr. Pete Thorne, builder for the Murphys, stated that President Carter had set a national goal to have 20% of the country operating under solar power by the year 2000. To meet this all aspects of currently viable solar technology would have to be deployed. Government of all levels must exercise control in the solar issue.

Mr. Ted Hoskins asked the Council to eliminate legal obstacles for broader use of solar energy. If the Board of Adjustment retained power, the zoning ordinance would not be harmed.

Councilmember Smith asked how this would affect landscaping and trees. Mr. Jennings explained there would be more land area on which to build on a lot. The provision for insuring that one did not shade a neighbor would be advantageous to trees. They would not have to be cut for passive solar heating.

Councilmember Thorpe questioned the procedure for considering the matter later in the meeting. Mr. Shipman stated this had been followed before, especially in non-controversial matters.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Petitions and Requests

Councilmember Boulton asked to be excused at 10:00 p.m. The Council agreed.

The Transportation Board had submitted a petition regarding the traffic signals in the 100 block of E. Franklin Street. Mr. Lathrop stated the Board had received the material regarding this matter in May prior to the Council consideration at

its June 9 meeting. There had been little time to discuss it. They had since considered the matter and felt strongly the Council should reconsider its decision for signals. Mr. Morris stated that the downtown was vital to the community. The pedestrian crosswalk added much to the downtown.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO RECEIVE THE PETITION AND SCHEDULE A DISCUSSION ON THE MATTER FOR THE NOVEMBER 10 MEETING. Councilmember Kawalec commented that it would be more appropriate for matters to be reconsidered by the Council by motion. However, she was in favor of the reconsideration as it had been noted in June that the Transportation Board had not completed its consideration of the matter. Councilmember Boulton commented that the Transportation Board had discussed this matter two years ago and their recommendation had been the same. THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Shipman asked the Council to discuss the worksession schedule at the end of the meeting.

#### Minutes

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER STRALEY, APPROVAL OF THE MINUTES OF OCTOBER 13, 1980, AS CORRECTED. THE MOTION WAS CARRIED UNANIMOUSLY.

#### Resolution Approving the Preliminary Sketch for Cliffhanger Estates Subdivision

Mr. Jennings stated the major point was whether paving to state standards should be required. The staff believed it necessary for adequate access. Unpaved roads and private drives created problems with maintenance. Although the applicant had proposed paving one lane, the staff did not think this adequate either. As in the case of Laurel Hill, estimating bonds frequently did not cover the cost of paving at a later date. Mr. Jennings pointed out that exempting the subdivision from paving requirements because it was a distance from town would encourage leapfrog development. Exemption because it was a small development would not be fair to larger developers.

Councilmember Smith asked who paid the cost of maintenance of fire hydrants in this area. Mr. Shipman explained that no one did. The County and OWASA were negotiating this matter.

Mayor Nassif asked when the staff anticipated annexation for this area. Mr. Shipman responded this was up to the Council. Mayor Nassif commented that ordinances for the town were written in general for large developments. They could not cover every case. Many of the requirements increased the cost of building homes so that people could not afford them. He suggested the Council consider changing the ordinance provisions for smaller subdivisions.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR CLIFFHANGER ESTATES SUBDIVISION (80-R-190)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch dated July 16, 1980, for Cliffhanger Estates Subdivision located on property identified as Chapel Hill Township Tax Map 128, Block A, Lot 2E, subject to the following:

1. That Merrit Drive be paved to N. C. Department of Transportation (NCDOT) standards along the length of the subject subdivision's frontage with the road. Plans for such paving shall be approved by the NCDOT and the Town Manager prior to construction.
2. That prior to paving streets, utility service lines and laterals shall be installed and stubbed-out to the front property line of each lot. A letter from the owner or owner's representative shall be presented to the Town Engineer prior to paving any street certifying that all utilities are in place.

3. That the number, location and installation of fire hydrants be approved by the Town Manager prior to issuance of any building permits.
4. That sewer, drainage, and utility easements be dedicated as required by the Town Manager. Such easements shall be shown on the final plat.
5. All utility improvements shall be installed in conformance with OWASA standards and all utilities shall be placed underground.
6. That the proposed development be exempted from the open space requirement of the Subdivision Ordinance as provided for in Section 18-51-f.
7. That 15 feet of additional right-of-way be dedicated along the subdivision's frontage with U. S. 15-501.
8. That lot lines be shown on the final plat as ending at the right-of-way line.

This the 27th day of October, 1980.

Councilmember Kawalec commented that if the Town began making exceptions it would continue to make them for everyone.

Councilmember Straley inquired about the reason for standards, which he believed to be so that the town could provide services. Mr. Jennings stated that part of the reasoning for standards was so that the Town would not have to pay the entire cost of rebuilding roads when the area was annexed, but there was also the question of adequate access. This road led to Dogwood Acres and was subject to the traffic going to the subdivision. Councilmember Straley asked if the developer could be required to share the cost of paving if the paving were not required until adjoining properties were developed. Mr. Jennings answered that this property would then belong to individual property owners over whom the Town would have no control. Councilmember Howes pointed out that lowered standards were paid for by the Town at a later date. As the property owners benefitted from the improvements, they should pay for them.

THE MOTION WAS CARRIED BY A VOTE OF EIGHT TO ONE WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, SMITH, STRALEY, THORPE, AND WALLACE SUPPORTING AND MAYOR NASSIF OPPOSING.

Resolution Denying the Preliminary Sketch for the Nicie M. Partin Subdivision

Mr. Jennings pointed out the location of the property. The primary issue was access, not only to this property, but to the four tracts behind the subject property. The staff believed the access should be by a road built to town standards. The preferred alignment of the staff would cut the lot in half leaving little room for building.

Councilmember Straley asked why the access could not cut across lot 32A rather than across the applicant's lot. Mr. Jennings said this would still not provide access to the other land-locked lots.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION DENYING THE PRELIMINARY SKETCH FOR THE NICIE M. PARTIN SUBDIVISION (80-R-191a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the preliminary sketch dated January 29, 1979, for the Nicie M. Partin Subdivision located on property identified as Chapel Hill Township Tax Map 24, Lot 33 because the proposed access is not in compliance with the minimum standards of the subdivision ordinance.

This the 27th day of October, 1980.

Councilmember Smith asked about having the access road cross the bottom of the lot. Mr. Jennings said that it could but this would create double frontage lots for homes in North Forest Hills. Mayor Nassif then asked if the Town could require

the other property owners to provide access across the middle of their lots. Mr. Jennings indicated obtaining right-of-way for the preferred alignment would take the cooperation of Mrs. Partin and the other four land owners. Councilmember Smith asked if the staff had discussed access across the bottom of the lots with Ms. Poole and the other land owners. They had not. COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO REFER THE MATTER BACK TO THE PLANNING BOARD FOR DISCUSSION OF A ROAD ACROSS THE LOWER PORTION OF THE PROPERTY. Councilmember Straley believed this too restrictive. He preferred asking for a plan for the area.

THE SUBSTITUTE MOTION WAS DEFEATED BY A VOTE OF FIVE TO FOUR WITH COUNCILMEMBERS SMITH, THORPE, WALLACE AND MAYOR NASSIF SUPPORTING AND COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, AND STRALEY OPPOSING. THE ORIGINAL MOTION WAS CARRIED BY A VOTE OF FIVE TO FOUR WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, AND STRALEY SUPPORTING AND COUNCILMEMBERS SMITH, THORPE, WALLACE AND MAYOR NASSIF OPPOSING.

#### Kroger Plaza

Ms. Hunt stated the Council had issued a special use permit modification to Kroger Plaza to allow Easco Photo Facility but stipulated that it be attached to the main building. The owner of Kroger Plaza had refused to allow this. Ms. Hunt asked that the Council remove this stipulation and approve the modification as first requested.

Councilmember Boulton asked if the facility was sold to another business with more traffic, how the Council could protect the town against the future traffic hazard. Mr. Denny explained that the permit would only be valid for another drive-in business similar to that for which the permit was issued. The Town could not preclude more traffic. The Council must take these factors into consideration. Councilmember Wallace believed that as the resolution specifically called for a photo facility as shown on plans, this was all that would be allowed.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER THORPE, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR KROGER PLAZA UNIFIED BUSINESS DEVELOPMENT TO CONSTRUCT A PHOTO FACILITY (80-R-189a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit granted to Charles R. Ginn for Kroger Plaza Unified Business Development on South Elliott Road is hereby modified to allow construction of a photo facility as shown on plans dated August 28, 1979, subject to the following:

1. That detailed architectural elevations be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
2. That a detailed landscape/planting plan including detailed sign and lighting plans be submitted to and approved by the Appearance Commission prior to issuance of a certificate of occupancy.
3. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
4. That construction begin by November 30, 1981, and be completed by November 30, 1982.
5. That two linear islands having a minimum width of four feet and a minimum height of six (6) inches be constructed within the parking lot as shown on the site plan dated 8/28/79. The design and construction specifications for such islands shall be approved by the Town Manager.

6. That the site plan be modified to delete the vehicular drive-in aisle furthest from Elliott Road. Such vehicular drive-in shall be replaced with a landscaped pedestrian access to the facility which shall be created by joining the proposed landscaped islands. As an alternative to providing the walk-up window for pedestrians, the pedestrian window may be permanently closed and service to pedestrians shall be provided within the booth as proposed. In either case, service to pedestrians shall be provided within the building as shown on the submitted plans.
7. That all parking within the parking bay closest to East Franklin Street be deleted for a distance of 40 feet east of the photo booth.
8. That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect, and that the Council finds that with all stipulations and conditions as modified, the use continues to meet the four requisite findings set forth in the initial Special Use Permit.

BE IT FURTHER RESOLVED that the Council finds that the use as modified in accordance with the plans dated August 28, 1979 continues to meet the four findings made by the Council on March 10, 1969 (and subsequently modified).

This the 27th day of October, 1980.

Councilmember Boulton asked if the Council could require the new owner to return for review by the Council should the business be sold. Mr. Denny advised that the Council could not require this. The zoning ordinance regulated the use not the owner.

Councilmember Howes stated that he would support the motion although he did not support the type of business being approved. He had no reason for denying the special use permit.

Councilmember Straley was against the motion. He questioned whether this type of business could survive financially and he added there were no other drive-in businesses of this type in Chapel Hill. He wanted to establish a policy against small buildings such as this activity in the middle of a parking lot, particularly since there was limited access. Councilmember Howes argued that although Councilmember Straley's observations might be true, such a policy was not a part of the ordinance, therefore he could not vote against the special use permit. Mayor Nassif commented that the Council did have the right to deny the permit.

THE MOTION WAS CARRIED BY A VOTE OF FIVE TO FOUR WITH COUNCILMEMBERS BOULTON, HOWES, SMITH, THORPE, AND WALLACE SUPPORTING AND COUNCILMEMBERS HERZENBERG, KAWALEC, STRALEY, AND MAYOR NASSIF OPPOSING.

Mr. Jennings explained that Kroger also proposed a modification to its special use permit to construct paneling over the windows. They had first painted the windows after building a deli as part of the store. However, the windows began to crack in the cold weather.

Councilmember Smith was concerned this would hinder police surveillance. Mr. Shipman stated the police could not see into the building with the advertising signs over the windows anyway.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE KROGER SHOPPING CENTER TO MR. R. CHARLES GINN (80-R-198)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit granted to Mr. R. Charles Ginn on March 10, 1969 for the Kroger Shopping Center is hereby modified to allow a change in the front elevation of the Kroger store as shown on the plans submitted September 2, 1980 subject to the following:

1. That detailed architectural design of the front elevation of the Kroger Store be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
2. That no poster signs or other forms of advertising be allowed on the paneling on the front elevation.
3. That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect, and that the Council finds that with all stipulations and conditions as modified, the use continues to meet the four requisite findings set forth in the initial Special Use permit.

BE IT FURTHER resolved that the Council finds that the use as modified in accordance with the plans submitted September 2, 1980 continues to meet the four findings made by the Council on March 10, 1969 (and subsequently modified).

This the 27th day of October, 1980.

THE MOTION WAS CARRIED BY A VOTE OF EIGHT TO ONE WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, STRALEY, THORPE, WALLACE, AND MAYOR WALLACE SUPPORTING AND COUNCILMEMBER SMITH OPPOSING.

Resolution Scheduling a Public Hearing on Proposed Modification of the Subdivision Ordinance

Mr. Shipman reminded the Council that the mayor and mayor pro tem would be out of town on November 17, the regularly scheduled public hearing night.

Councilmember Boulton asked if the Council in considering the payment in lieu of dedication of open space, could restrict the purchase of land to the area of the subdivision which had given the money. Mr. Denny advised that the public should be allowed to speak on the matter without restrictions, and the Council could add restrictions later. The Council was subject to the limitations of the appropriate purposes of zoning when considering zoning regulations.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION SCHEDULING A PUBLIC HEARING (PAYMENTS IN LIEU OF OPEN SPACE DEDICATION IN SUBDIVISIONS) (80-R-199)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing at 7:30 p.m., November 24, 1980, in the Meeting Room of the Municipal Building, 306 N. Columbia Street, to consider an amendment to the Subdivision Ordinance to allow subdivision developers to make payments in lieu of dedicating open space.

This the 27th day of October, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION CALLING A PUBLIC HEARING FOR NOVEMBER 24, 1980 (80-R-199.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby declares that an emergency exists and that the Council herefore calls the public hearing to consider a zoning map amendment request for Timberlyne Subdivision, Section II, Phase II, and any other private requests that are submitted timely prior thereto, for November 24, 1980, at 7:30 p.m., in the Meeting Room of the Municipal Building, Chapel Hill, North Carolina.

This the 27th day of October, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, THAT THE COUNCIL CANCEL THE QUARTERLY PUBLIC HEARING SCHEDULED FOR NOVEMBER 17, 1980. THE MOTION WAS CARRIED UNANIMOUSLY.

Motion to Reconsider 80-R-188b Denying Special Use Permit Modification for the Oaks Apartments

COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER HOWES, TO RECONSIDER RESOLUTION 80-R-188b DENYING A SPECIAL USE PERMIT MODIFICATION FOR THE OAKS APARTMENTS. He stated he had voted against the modification because of the law suit pending against the Council.

Councilmember Straley stated he would vote against reopening the matter because the comprehensive plan called for a mix of housing in each neighborhood. As the only to decide whether the Council had the authority to provide this mix was by litigation, he was willing for the court to decide the issue.

Councilmember Kawalec did not believe anything had changed since the public hearing; therefore, she would vote against the motion. Councilmember Howes said he had voted for the request and believed it appropriate to reconsider the motion. Councilmember Wallace agreed and added that voting for reconsideration would not bind anyone to vote for the modification.

Mayor Nassif stated the Council could reconsider routine matters at any time; however, when a public hearing was required, action by the Council on the matter became definitive. The Council could not consider this request again without another public hearing. Councilmember Howes disagreed in that the Council's procedures allowed for reconsideration of a matter. He asked the attorney for a ruling on the reconsideration. Mr. Denny advised that the Council's procedures made no distinction between zoning and other matters. He suggested however, that further elaboration would not be necessary unless the matter was before the Council. If the motion to reconsider failed, the matter became moot.

Councilmember Wallace said Mayor Nassif would be correct in his belief that the matter could not be reconsidered without a hearing if the Council had granted the permit; however, a negative vote could be reconsidered. Mayor Nassif again disagreed. Councilmember Kawalec added that reconsidering the matter without a public hearing would undermine the public's faith in the Council. Councilmember Herzenberg stated that although the Council had the right to reconsider matters, he did not believe anything had changed in this case. In Councilmember Thorpe's opinion there had been a change.

Councilmember Smith expressed his concern over the precedent set in reconsidering such matters.

THE MOTION FAILED BY A VOTE OF FIVE TO FOUR WITH COUNCILMEMBERS BOULTON, HOWES, THORPE, AND WALLACE SUPPORTING AND COUNCILMEMBERS HERZENBERG, KAWALEC, SMITH, STRALEY, AND MAYOR NASSIF OPPOSING.

Ordinance Amending the Ordinance to Provide for the Zoning of chapel Hill and Surrounding Areas

Mr. Jennings reported that the Planning Board had discussed several points with regard to allowing the variance for solar access. The Board of Adjustment had the power to both refer matters to the Appearance Commission or Planning Board for appearance, and to put stipulations on any variance granted. The ordinance amendment allowing the variance would also contain restrictions. (Councilmember Boulton was excused.)

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING THE ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS (80-O-73)

BE IT ORDAINED that the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas be amended as follows:

## SECTION I

Amend Section 10 of the Chapel Hill Zoning Ordinance to add the following:

The Board of Adjustment may by issuance of a variance reduce the front, side, and rear set-back requirements by up to 65% of that required by the Zoning Ordinance, provided, however, that no setback may be reduced to less than eight (8) feet, upon finding that: 1) full compliance with the minimum setback requirements of the Zoning Ordinance would preclude reasonable alternatives for the implementation of efficient passive and/or active solar energy features; 2) the plans as proposed would not significantly reduce solar access to the buildable area of an adjoining property; and 3) the plans as proposed are otherwise consistent with the intent of the Zoning Ordinance and plan of development for Chapel Hill.

The above findings shall be based upon competent material, and substantial evidence submitted by the applicant.

## SECTION II

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 27th day of October, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Revise and Rewrite Portions of Chapter 4, Article II of the Code of Ordinances

Mayor Nassif stated the animal control ordinance had been on the agenda before and had been the subject of public hearings. He asked that the Council set a time when the public could respond to the proposed amendments.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER SMITH, TO PLACE THIS MATTER ON THE AGENDA FOR THE PUBLIC HEARINGS ON NOVEMBER 24, 1980. THE MOTION WAS CARRIED UNANIMOUSLY.

Report by the Citizen's Task Force to Assess the Effect of the Shearon Harris Nuclear Plant on Chapel Hill

Ms. Lotchin reviewed the charge to the task force and its efforts to carry out this charge. She submitted the written report which included the task force's assessment of the impact of the plant on Chapel Hill, an outline of the actions necessary by citizens and government in Chapel Hill, and the future role of the task force.

Councilmember Smith expressed his appreciation and that of the Council for the committee's work.

Mayor Nassif inquired about the monitoring process mentioned in the report. Ms. Lotchin responded that the committee had not completed the details of the monitoring process, believing this should be left up to the subcommittees. She added that the School of Public Health had equipment for monitoring. Mr. Bill Cummings of the Friends of Chapel Hill commended the task force for its work. The group, however, took issue with the major position on Shearon Harris and the recommendations of the task force. They believed the plant should be opposed until proven safe.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, THAT THE COUNCIL RECEIVE THE REPORT, COMMEND THE TASK FORCE FOR ITS WORK, AND ASK THE TASK FORCE TO CONTINUE, INITIATING THE PUBLIC FORUM CALLED FOR IN THE REPORT. Efforts should also be made to publish the report to make it available for the public. THE MOTION WAS CARRIED UNANIMOUSLY.



Resolution Regarding Permits for Operation of Town Buses

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION REGARDING PERMITS FOR OPERATION OF TOWN BUSES (80-R-200)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is hereby authorized to execute permits on behalf of the Town of Chapel Hill to allow Town buses weighing more than 22,500 pounds to operate on Town streets within the municipal boundaries; and

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is hereby authorized to seek permission from the State of North Carolina, pursuant to North Carolina General Statute 20-118(8), for such buses to operate on the State system of streets and roads in the vicinity of Chapel Hill and Carrboro.

This the 27th day of October, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Regarding Off-Street Parking Fees for the Elderly and Handicapped

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION REGARDING OFFSTREET PARKING FEES FOR THE ELDERLY AND HANDICAPPED (80-R-201)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the following schedule for reduced offstreet municipal lot parking fees for the handicapped and those sixty-five (65) years of age and older is hereby established; effective November 1, 1980:

<u>DURATION</u>	<u>COST</u>
0 to 1 hour	15¢
1 to 1.5 hours	25¢
Each additional 30 minutes	15¢; and

BE IT FURTHER RESOLVED that the Town Manager or his designee shall establish rules and regulations regarding proof of eligibility for these reduced fees.

This the 27th day of October, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Annual Budget

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1980 (80-O-74)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1980" as duly adopted on June 16, 1980, be and the same is hereby amended as follows:

## ARTICLE I

<u>Appropriation</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Library Fund	\$393,514	\$335	-	\$393,849
Library Gift Fund	12,000	335	-	12,335

## ARTICLE II

<u>Revenue</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Library Fund	\$393,514	\$335	-	\$393,849
Library Gift	12,000	\$335	-	12,335

All Ordinances and portions of Ordinances in conflict herewith are hereby repealed.

This the 27th day of October, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Shipman distributed the monthly financial report. He stated the next report would have more detail on trends of the budget.

Report Regarding Acquisition of Property for Community Development Street Improvements

Mr. Denny reminded the Council he had discussed with them the acquisition of a house on School Lane. They had subsequently authorized condemnation proceedings but had requested that Mr. Denny try to negotiate the matter. He was not successful in negotiation and was now going to file a condemnation action.

Bids

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR PETROLEUM PRODUCTS (80-R-202)

WHEREAS the Town of Chapel Hill has solicited formal bids on October 13, 1980 and the following bids have been received:

Bidders and Bids

<u>Item</u>	<u>FCX, Inc.</u> <u>Raleigh, N.C.</u>		<u>Gwaltney Oil &amp; Gas Co. Inc.</u> <u>Durham, N.C.</u>		<u>M.M. Fowler, Inc.</u> <u>Durham, N.C.</u>	
	<u>Unit</u>	<u>Total</u>	<u>Unit</u>	<u>Total</u>	<u>Unit</u>	<u>Total</u>
A. 98,000 gal. Premium Gasoline	<u>\$.9865</u>	\$96,667.00	\$1.0345	\$101,381.00	\$1.182	\$115,836.00
B. 86,000 gal. Regular Gasoline	<u>.9655</u>	83,033.00	1.0075	86,645.00	1.162	99,932.00
C. 201,000 gal. #1 Diesel	<u>.889</u>	178,689.00	.9084	182,588.40	.94	188,940.00
D. 1,000 gal. #1 Diesel (small deliveries)	<u>.949</u>	949.00	1.0165	1,016.50	.99	990.00
E. 21,000 gal. #2 Diesel	<u>.887</u>	18,627.00	.9545	20,044.50	.95	19,950.00
F. 1. 220 gal. 30 W Oil	3.19	701.80	No Bid		<u>2.83</u>	622.60
2. 192 qts. 30 W Oil	.93	178.56	No Bid		<u>.875</u>	156.48
G. 480 lbs. Hypoid Gear Oil	No Bid		No Bid		<u>.5563</u>	267.02
H. 1. 990 gal. Transmission Fluid	3.72	3,682.80	No Bid		<u>2.86</u>	2,831.40
2. 240 qts. Transmission Fluid	1.04	249.60	No Bid		<u>.8875</u>	213.00
I. 1. 1870 gal. 40 W Oil	No Bid		No Bid		<u>2.54</u>	4,749.80
2. 240 qts. 40 W Oil	No Bid		No Bid		<u>.82</u>	196.80
J. 750 gal. Hydraulic Oil	3.08	2,310.00	No Bid		<u>2.35</u>	1,762.50
K. 55 Gal. Tractor Hydraulic Oil	3.66	201.30	No Bid		<u>3.08</u>	169.40
L. 40 gal. Gear Lubricant	3.87	123.84	No Bid		<u>3.95</u>	158.00
M. 240 gal. Chassis Lubricant	No Bid		No Bid		<u>.65</u>	156.00
N. 96 qts. F-L-M. Transmission Fluid	1.04	99.84	No Bid		<u>.8875</u>	85.20
O. 55 gal. Solvent	No Bid		No Bid		<u>1.59</u>	87.45

Underlined items recommended for award.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the underlined unit price bids of FCX, Inc. and the underlined unit price bid of M.M. Fowler, Inc.

This the 27th day of October, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR FIRE, POLICE, AND PUBLIC SAFETY OFFICER UNIFORMS (80-R-203)

WHEREAS, the Town of Chapel Hill has solicited formal bids on October 13, 1980 and the following bids have been received:

Items	BIDDERS AND BIDS					
	American Uniform Sales, Inc.	The Hub Uniform Co.	Lion Uniform	Robert's Uniforms	Showfrey's, Inc.	Stinette Uniform Sales, Inc.
<b>Fire Uniforms</b>						
150 Short-Sleeved Shirts	\$ 1,965.76	\$ 1,425.00	\$1,425.60 (99 Shirts Only)	\$ 1,215.00	\$ 1,507.50	\$ 1,498.50
150 Long-Sleeve Shirts	1,086.95	1,612.50	1,485.00 (99 Shirts Only)	1,985.50	1,770.00	1,680.00
Sewing Patches on Shirts and Coveralls (320)	No Charge	128.00	No Bid	32.00	112.00	160.00
25 Pair Dress Trousers	\$16.25	\$85.00	No Bid	\$86.25	\$77.50	\$62.15
3 Pair Dress Trousers	132.50	145.00	No Bid	138.75	147.50	133.00
18 Dress Jackets	379.50	400.00	No Bid	422.50	419.50	379.50
220 Pair Work Trousers	2,750.00	2,420.00	3,729.00	2,805.00	3,069.00	2,790.00
15 Work Jackets	416.25	450.00	\$67.00	373.50	329.25	434.25
5 Hats	64.75	65.00	No Bid	64.50	74.75	96.85
10 Pair Short-Sleeve Coveralls	122.50	140.00	No Bid	127.50	137.50	139.90
10 Pair Long-Sleeve Coveralls	130.00	190.00	No Bid	137.50	145.00	145.00
<b>SUBTOTALS</b>	<b>\$ 7,774.46</b>	<b>\$ 7,530.50</b>	<b>\$ 7,206.60</b>	<b>\$ 7,488.00</b>	<b>\$ 8,289.50</b>	<b>\$ 7,921.15</b>
<b>Police and PSO Uniforms</b>						
123 Short-Sleeve Shirts	1,617.45	1,722.00	No Bid	1,691.25	1,678.95	1,660.50
162 Long-Sleeve Shirts (285)	3,306.50	2,551.50	No Bid	2,349.00	2,405.70	2,349.00
Sewing Patches on Shirts	No Charge	185.25	No Bid	42.75	142.50	213.75
181 Pair Trousers:						
Alternate I	3,805.50	3,077.00	No Bid	3,031.75	3,167.50	2,805.50
Alternate II (With Stripes)	3,710.50	3,420.00	No Bid	3,420.90	3,620.00	3,618.19
19 Winter Jackets	1,178.00	1,121.00	No Bid	1,225.50	1,235.00	1,206.50
29 Summer Jackets	700.55	783.00	No Bid	768.50	746.75	732.25
29 Winter Caps	352.55	359.00	No Bid	321.00	328.00	305.95
25 Summer Caps	282.75	299.00	No Bid	265.00	261.50	254.95
<b>SUBTOTAL—Alternate I</b>	<b>9,255.10</b>	<b>10,097.75</b>	<b>0</b>	<b>9,694.75</b>	<b>9,965.90</b>	<b>9,528.40</b>
<b>SUBTOTAL—Alternate II</b>	<b>10,160.10</b>	<b>10,640.75</b>	<b>0</b>	<b>10,083.90</b>	<b>10,418.40</b>	<b>10,391.09</b>
<b>GRAND TOTAL—Alternate I</b>	<b>17,079.56</b>	<b>17,628.25</b>	<b>7,206.60</b>	<b>17,182.75</b>	<b>18,255.40</b>	<b>17,449.55</b>
<b>GRAND TOTAL—Alternate II</b>	<b>17,934.86</b>	<b>18,171.25</b>	<b>7,206.60</b>	<b>17,571.90</b>	<b>18,707.90</b>	<b>18,262.24</b>

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the overall low bid of Robert's Uniforms including Alternate II in the amount of \$17,571.90.

This the 27th day of October 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

#### Boards and Commissions

Mr. Shipman had distributed a memorandum regarding the appointment of a member to the Art School Board of Directors by the Council. He recommended this be someone other than a councilmember. Mayor Nassif recommended against appointing anyone. Councilmember Howes agreed, but suggested the town might take a different position if the school was reconstituted as a county-wide arts council. Mayor Nassif asked the Manager to inform the Arts School the Council did not wish to appoint a member at this time.

The Council was notified of a vacancy on the Appearance Commission created by the resignation of T. J. Land.

#### Motion to Reconsider Resolution 80-R-178 Directing Construction of a Sidewalk on the South Side of Estes Drive

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO RECONSIDER 80-R-178 DIRECTING CONSTRUCTION OF A SIDEWALK ON THE SOUTH SIDE OF ESTES DRIVE. Councilmember Smith still considered it dangerous for children to cross Estes Drive at its intersection with Airport Road.

On Councilmember Howes' request, Mayor Nassif cited the reasons for changing the side of the street for the sidewalk. THE MOTION TO RECONSIDER WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH COUNCILMEMBERS HERZENBERG, HOWES, KAWALEC, STRALEY, THORPE, WALLACE AND MAYOR NASSIF SUPPORTING AND COUNCILMEMBER SMITH OPPOSING.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO RESCIND RESOLUTION 80-R-178.

Councilmember Howes agreed with Councilmember Smith that children would use the south side of the road to reach the Y. If the sidewalk was built on the north side of the street, they would use it until they reached the church, and would then cross in the middle of the street to cut across the church lot.

Councilmember Smith asked why there was no more than \$10,000 in the budget if the sidewalk would cost so much to build. Mr. Shipman answered that the town had only planned for a gravel sidewalk. Much fill would also be needed on the south side. A permanent sidewalk would be constructed after the state widened Estes Drive. Councilmember Smith asked if a survey had been taken of the number of people who would use the sidewalk. Mr. Shipman said it had not, that the sidewalk was included in the budget because of a petition received.

THE MOTION TO RESCIND WAS DEFEATED BY A VOTE OF FIVE TO THREE WITH COUNCILMEMBERS KAWALEC, WALLACE, AND MAYOR NASSIF SUPPORTING AND COUNCILMEMBERS HERZENBERG, HOWES, SMITH, STRALEY, AND THORPE OPPOSING.

#### Future Agenda Items

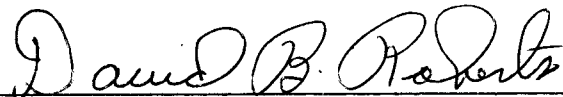
The Council agreed to meet on December 9, 1980, at 4:00 p.m., in executive session, to evaluate the Manager, Attorney, and Clerk.

The council then discussed its worksession schedule.

There being no further business to come before the Council, the meeting was adjourned.



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Joseph L. Nassif, Mayor



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David B. Roberts, Clerk